STATUTORY INSTRUMENTS

1973 No. 426

MAGISTRATES' COURTS

The Petty Sessional Divisions (North Riding of Yorkshire) Order 1973

Made - - -	8*th March* 1973
Coming into Operation	1*st April* 1973

Whereas the magistrates' courts committee for the county of York, North Riding has, in pursuance of subsection (1) of section 18 of the Justices of the Peace Act 1949(**a**), submitted to the Secretary of State a draft order making provision about the division of part of the said county into petty sessional divisions:

And whereas by subsections (3)(*a*) and (4)(*a*) of the said section it is provided that the Secretary of State may by statutory instrument make the Order either in the terms of the said draft or with such modifications as he thinks fit and that the said Order may contain transitional and other consequential provisions:

And whereas the provisions of subsections (5), (6) and (7) of the said section have been complied with:

Now, therefore, in exercise of the powers conferred upon me by subsections (3) and (4) of the said section 18, I hereby make the following Order:—

1. This Order may be cited as the Petty Sessional Divisions (North Riding of Yorkshire) Order 1973 and shall come into operation on 1st April 1973, except that for the purposes of paragraph 2 of the Schedule thereto this Order shall come into operation forthwith.

2.—(1) In this Order, except where the context otherwise requires, the expression "division" means petty sessional division and any reference to a justice for a division shall be construed as a reference to a justice of the peace who ordinarily acts, or, as the case may be, will on or after 1st April 1973 ordinarily act, in and for that division.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The divisions of Pickering Lythe West and Ryedale shall be combined to form a new division which shall be known as the Ryedale division.

4. The transitional and other consequential provisions set out in the Schedule to this Order shall have effect in connection with the provisions of Article 3 of this Order.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
8th March 1973.

(**a**) 1949 c. 101. (**b**) 1889 c. 63.

Article 4

SCHEDULE

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

"existing division" means a division combined by Article 3 of this Order;

"new division" means the division constituted by that Article;

"probation order" means a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948(a);

"supervision order" means a supervision order within the meaning of section 11 of the Children and Young Persons Act 1969(b) or to which paragraph 12 of Schedule 4 to that Act applies, as the case may be.

2.—(1) The justices for the new division shall appoint, in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st April 1973 in the place of the justices holding the corresponding appointments in relation to the existing divisions—

(*a*) a chairman and one or more deputy chairmen;

(*b*) a juvenile court panel;

(*c*) one or more case committees;

(*d*) a justice to serve as a member of the probation and after-care committee for the North Riding probation and after-care area;

(*e*) a justice to serve as a member of the North Riding magistrates' courts committee;

(*f*) a betting licensing committee.

(2) In the foregoing sub-paragraph the expressions "the prescribed manner" and "the prescribed term" mean, respectively—

(*a*) in relation to the election of a chairman or deputy chairman, the manner prescribed by rules made under section 13 of the Justices of the Peace Act 1949 and a term ending at the expiration of the month of December 1973;

(*b*) in relation to the election of a juvenile court panel, the manner prescribed by rules made under section 15 of that Act and a term ending at the expiration of the month of October 1973;

(*c*) in relation to the appointment of a case committee, the manner prescribed by rules made under Schedule 5 to the Criminal Justice Act 1948 and a term ending at the expiration of the month of December 1973;

(*d*) in relation to the appointment of the member of the probation and after-care committee, the manner prescribed by a combining order made under the said Schedule 5 and the term ending at the expiration of the month of March 1974;

(*e*) in relation to the appointment of the member of the magistrates' courts committee, the manner prescribed by regulations made under Schedule 4 to the Justices of the Peace Act 1949 and a term ending at the expiration of the month of November 1973;

(*f*) in relation to the appointment of the betting licensing committee, the manner prescribed in Regulation 1 of the Betting (Licensing) Regulations 1960(c) and a term ending at the expiration of the month of December 1973.

(a) 1948 c. 58. (b) 1969 c. 54. (c) S.I. 1960/1701 (1960 I, p. 363).

(3) In relation to the appointment of a justices' clerk for the new division, any consultation with the justices for that division required by section 19(9) of the Justices of the Peace Act 1949 may take place before 1st April 1973.

3.—(1) An existing division shall, notwithstanding the provisions of Article 3 of this Order, continue until the expiration of the month of December 1973 to constitute a separate licensing district for the purposes of the Licensing Act 1964(a) and, until the expiration of the said month, the said Act shall apply in relation to that division, and the divisional licensing committee appointed therefor shall continue to carry out its functions as licensing authority in relation thereto, as if this Order had not been made.

(2) Sub-paragraph (1) of this paragraph shall continue to have effect after the expiration of the said month for the purpose of continuing in force the permitted hours in the existing divisions until there is in operation an order under section 60 of the Licensing Act 1964 fixing permitted hours made at the general annual licensing meeting of the licensing justices for the new division to be held in 1974.

(3) Nothing in the foregoing provisions of this paragraph shall be construed as preventing the justices for the new division from exercising on and after 1st April 1973 in relation to the area thereof any powers relating to the grant of occasional licences, orders of exemption or protection orders conferred on them by the Licensing Act 1964.

4. Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st April 1973 by, or in relation to, the clerk to the justices for an existing division shall be done by, or in relation to, the clerk to the justices for the new division.

5. Subject to the foregoing provisions of this Schedule, any process issued, order made, sentence passed, appeal brought, case stated, licence granted, recognizance entered into, proceeding begun, appointment made or other thing done (whether before 1st April 1973 or in pursuance of paragraph 3 of this Schedule) by, from, to or before any justices for an existing division or their clerk shall, on and after that date, be deemed to have been issued, made, passed, brought, stated, granted, entered into, begun or done by, from, to or before those justices as justices for the new division or their clerk, as the case may be.

6. Any order made by a magistrates' court directing the payment of money to the clerk or any other officer of a magistrates' court acting for an existing division shall have effect as if it had directed payment to be made to the clerk to the justices for the new division.

7.—(1) Any process, records or other documents in the custody, by virtue of his office as such, of the clerk to the justices for an existing division shall be retained by that clerk in his capacity as clerk to the justices for the new division or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for the new division.

(2) Copies of, and extracts from any such record or other document as aforesaid made or certified by the clerk to the justices for the new division shall be of the same effect as if they had been made or certified by the clerk to the justices for the existing division.

8. Where an existing division is named in a probation order or in a supervision order, the order, unless amended in that regard, shall have effect in all respects as if the new division were named therein.

(a) 1964 c. 26.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to a draft order submitted by the magistrates' courts committee for the county of York, North Riding for the petty sessional divisions of Pickering Lythe West and Ryedale to be combined to form a new petty sessional division of Ryedale.

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